

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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DIANE MAROTTI ROXBURY  
Plaintiff,

v.

Case No. 13-C-1385

CAROLYN W. COLVIN,  
Acting Commissioner of the Social Security Administration  
Defendant.

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ORDER

Plaintiff Diane Marotti Roxbury seeks judicial review of the denial of her application for social security disability benefits. Ordinarily, a plaintiff must pay a statutory filing fee to bring an action in federal court, 28 U.S.C. § 1914(a), but plaintiff requests leave to proceed in forma pauperis. Under 28 U.S.C. § 1915(a), an indigent party may commence a federal court action, without paying required costs and fees, upon submission of an affidavit asserting inability “to pay such fees or give security therefor” and stating “the nature of the action, defense or appeal and affiant’s belief that the person is entitled to redress.” 28 U.S.C. § 1915(a)(1).

Plaintiff has filed the required affidavit. Upon review of that affidavit, the court is satisfied that she satisfies the requirements of § 1915. Plaintiff avers that she is unemployed, with income limited to her husband’s disability compensation, which is more than consumed by monthly expenses. They do not own a home or other valuable assets aside from two vehicles (one twelve years old and the other worth less than they owe). Plaintiff indicates that they plan to file for bankruptcy. Finally, plaintiff avers that she believes she is entitled to relief in this action, and on review of the complaint the court is unable to determine that the action is

frivolous or that the complaint fails to state a claim.

**THEREFORE, IT IS ORDERED** that plaintiff's petition to proceed without prepayment of fees (R. 2) is **GRANTED**. The file will be returned to the Clerk of Courts for service on defendant.

Plaintiff is advised to provide defendant or her counsel with copies of all future motions or papers filed by plaintiff in this action.

Dated at Milwaukee, Wisconsin this 16th day of December, 2013.

/s Lynn Adelman

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LYNN ADELMAN  
District Judge